



## **DECLARATION FOR PATENT APPLICATION**

As a below-named inventors, we hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our name,

We believe we are the original, first and joint inventor (if plural names are listed below) of the subject matter which is disclosed and/or claimed and for which a patent is to be sought on the invention entitled "ADJUSTABLE FISING ROD HOLDER AND MOUNTING TRACK ASSEMBLY" the specification of which

\_\_\_ is attached hereto.

X was filed on December 30, 2003 as  
patent application Serial No. 10/748,862  
And was amended on \_\_\_\_\_  
(If applicable)

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, if any, and as amended by any amendments referred to above.

We acknowledge the duty to disclose information which is material to the examination of any United States application claiming the benefit of this application in accordance with Title 37, Code of Federal Regulations, § 1.56, a copy of which is attached.

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent on inventor's certificate having a filing date before that of the application on which priority is claimed:

### **Prior Foreign Application(s)**

### **Priority Claimed**

Number	Country	Day/Month/Year	(Yes) (No)
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Number	Country	Day/Month/Year	(Yes) (No)
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Number	Country	Day/Month/Year	(Yes) (No)
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I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

**Provisional Application Number**

**Filing Date**

60/437,871

January 3, 2003

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Ser. No.	Filing Date	Status
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Application Ser. No.	Filing Date	Status
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We further declare that we do not know and do not believe that the invention claimed in this application was ever known or used by others in this country before my invention thereof, or patented or described in any printed publication in any country before my invention thereof, or more than one year prior to this application or any prior U.S. application above identified in which said invention may have been disclosed, or in public use or on sale in the United States of America for more than one year prior to this application or any prior U.S. application above identified in which said invention may have been disclosed.

**POWER OF ATTORNEY**

And I hereby appoint as my attorneys with full power of substitution to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith to the firm of **Reising, Ethington, Barnes, Kisselle, P.C.** including the following individual attorneys associated with the firm:

<u>Individual Attorneys</u>	<u>Reg. No</u>	<u>Individual Attorneys</u>	<u>Reg. No.</u>
Edward J. Biskup	18,987	John F. Learman	17,069
Robert C. Collins	27,430	Steven L. Permut	28,388
Robert L. Farris	25,112	Matthew J. Schmidt	43,904
Francis J. Fodale	20,824	William J. Schramm	24,795
William H. Francis	25,335	James D. Stevens	35,691
William H. Griffith	16,706	William J. Waugaman	20,304
Andrew M. Grove	39,697	Brian L. Ribando	27,109
George A. Grove	23,023	David A. Burns	46,238
Eric T. Jones	40,037	Steven B. Walmsley	48,021
		John D. Wright	49,095

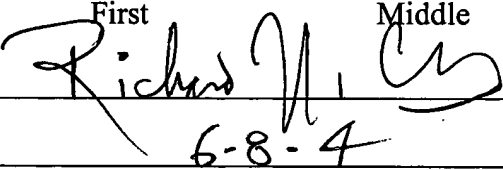
Please send all correspondence concerning this application to the following address:

William J. Waugaman  
**REISING, ETHINGTON, BARNES, KISSELLE, P.C.**  
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 Troy, Michigan 48099-4390  
 Telephone: (248) 689-3500  
 Facsimile: (248) 689-4071

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and of any patent issued thereon.

Full name of first joint inventor Richard N. Clark

First	Middle	Last
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Inventor's Signature 

Date 6-8-4

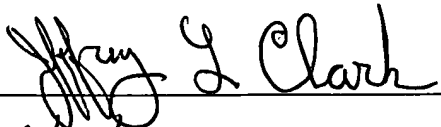
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Full name of second joint inventor Jeffrey L. Clark

	First	Middle	Last
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Inventor's Signature 

Date 6/7/2004

Residence 1842 Bay Mist Road

Citizenship United States

Post Office Address \_\_\_\_\_

Commerce, Michigan 48382

§ 1.56 Duty to disclose information material to patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application: and  
 (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(I) It establishes, by itself or in combination with other information, a prima facie case of un patentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of un patentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of un patentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.

(35 U.S.C. 6, Pub. L. 97-247)

[42FR5593, Jan. 28, 1977, as amended at 47FR21751, May 19, 1982 ~ 48FR2710, Jan. 20, 1983<sup>49</sup>

FR 554, Jan. 4, 1984; 50 FR 5171, Feb. 6, 1985; 53 FR 47808, Nov. 28, 1988, effective Jan. 1, 1989;

57 FR 2034, January 17, 1992, effective March 6, 1992]